



OFFICE OF
INSURANCE COMMISSIONER

000419978 11/21/11 5:000.00

In The Matter Of:

PERFORMANCE AUTOMOTIVE
MANAGEMENT, INC.
f(k)a\ PERFORMANCE AUTOMOTIVE
MANAGEMENT, LLC

No. 11-0253

CONSENT ORDER
LEVYING A FINE

Comes Now the Insurance Commissioner of the State of Washington, pursuant to the authority set forth in RCW 48.01.020 and RCW 48.02.080 and RCW 48.160.070, and having reviewed the official records and files of the Office of the Insurance Commissioner, makes the following:

FINDINGS OF FACT:

1. Chapter 48.160 RCW governs the issuance of non-insurance guaranteed asset protection waivers in the State of Washington. Chapter 284-160 WAC provides supporting regulations.
2. PERFORMANCE AUTOMOTIVE MANAGEMENT, LLC (WA OIC #500597) organized under the laws of the State of Florida, was granted a registration to issue non-insurance guaranteed asset protection waivers in the State of Washington. The registration effective date was June 21, 2010.
3. PERFORMANCE AUTOMOTIVE MANAGEMENT, LLC ceased to exist as a Florida limited liability company as of August 4, 2011. It was converted to a corporation organized under the laws of the State of Florida on that date, under the new legal name PERFORMANCE AUTOMOTIVE MANAGEMENT, INC.
4. RCW 48.160.020(3)(f) requires an applicant for registration to provide additional information as the commissioner can reasonably require. As specified within the application document, required for registration to issue non-insurance guaranteed asset protection waivers in the State of Washington are all formation documents, such as articles of incorporation and corporate bylaws, and registration with the Washington Secretary of State's Office.
5. RCW 48.160.020(4) requires a registrant to keep the information required for registration current, and to report changes within thirty days after the end of the month in which the

CONSENT ORDER 1

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change occurs. PERFORMANCE AUTOMOTIVE MANAGEMENT, INC failed to notify the commissioner of its conversion from a limited liability company to a corporation. PERFORMANCE AUTOMOTIVE MANAGEMENT, LLC failed to maintain an active registration with the Washington Secretary of State, it having been expired on May 31, 2010. PERFORMANCE AUTOMOTIVE MANAGEMENT, INC. failed to register with the Washington Secretary of State as required, until October 20, 2011.

6. WAC 284-160-050 requires conspicuous disclosure of the legal name of the registrant within the consumer forms issued by the registrant.
7. BY its admission, PERFORMANCE AUTOMOTIVE MANAGEMENT, INC. issued 31 non-insurance guaranteed asset protection waivers in the State of Washington while out of compliance.
8. RCW 48.160.070 provides for revocation of the registration for failure to comply with the requirements of Chapter 48.160 RCW. In lieu of revocation, RCW 48.160.070 allows for a monetary penalty of up to \$2000 per violation.

Based upon the foregoing Findings of Fact, the Commissioner makes the following:

CONCLUSIONS OF LAW

1. PERFORMANCE AUTOMOTIVE MANAGEMENT, INC. by and through the conduct described above has violated RCW 48.160.020.
2. PERFORMANCE AUTOMOTIVE MANAGEMENT, INC. committed the following violation(s) of RCW 48.160.020(4) or WAC 284-160-050:
 - a. Failure to keep the information required for registration current.
 - b. Failure to report changes within thirty days after the end of the month in which the change occurred.
 - c. Failure to conduct business under its legal name.
3. RCW 48.160.070 authorizes the Insurance Commissioner to impose a fine in lieu of the revocation of an organization's registration.

CONSENT TO ORDER

PERFORMANCE AUTOMOTIVE MANAGEMENT, INC. consents to entry of this Order, waives further administrative or judicial proceedings in this matter, and acknowledges its duty to comply fully with the applicable laws of the State of Washington. The Commissioner has offered a settlement in lieu of suspending or revoking the registration.

By agreement of the parties, the OIC will impose a fine of \$5000.00 on condition that:

1. Within thirty days, PERFORMANCE AUTOMOTIVE MANAGEMENT, INC. pays to the OIC the full amount of the fine.
2. PERFORMANCE AUTOMOTIVE MANAGEMENT, INC. commits no further violations of the statutes and regulations that are the subject of this Consent Order.
3. PERFORMANCE AUTOMOTIVE MANAGEMENT, INC. voluntarily consents to this order to resolve the issues and conduct described herein and with the understanding that the payment of the amount due is a condition to avoiding suspension or revocation of the registration.

EXECUTED this 17 day of November, 2011.

PERFORMANCE AUTOMOTIVE MANAGEMENT, INC.

By: 

Printed Name: Patrick Brown

Typed Corporate Title: President

ORDER OF THE INSURANCE COMMISSIONER

NOW, THEREFORE, pursuant to the foregoing Findings of Fact, Conclusions of Law, and Consent to Order, the Insurance Commissioner hereby orders as follows:

1. PERFORMANCE AUTOMOTIVE MANAGEMENT, INC. is ordered to pay a fine in the amount of \$5000.00 upon the condition that PERFORMANCE AUTOMOTIVE MANAGEMENT, INC. fully complies with the laws and regulations of the State of Washington which are the subject of this Order; and
2. Upon failure to pay the fine within the time limit set forth above, the registration will be revoked pursuant to RCW 48.160.070.

ENTERED AT TUMWATER, WASHINGTON, this 22nd day of November, 2011

MIKE KREIDLER,
Insurance Commissioner

By: 

James T. Odiome
Deputy Insurance Commissioner